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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
Corporation,

Defendant.

Case No. 3:20-cv-08570-JD

**DECLARATION OF DAVID Z. GRINGER
IN SUPPORT OF META PLATFORMS,
INC.'S MOTION TO EXCLUDE
TESTIMONY AND OPINIONS OF
NICHOLAS ECONOMIDES**

Judge: Hon. James Donato

1 I, DAVID Z. GRINGER, declare as follows:

2 1. I am a partner at the law firm Wilmer Cutler Pickering Hale and Dorr LLP. I
3 represent Defendant Meta Platforms, Inc. in the above-captioned action. I submit this
4 declaration in support of Meta's Motion to Exclude the Testimony and Opinions of Nicholas
5 Economides.

6 2. Attached hereto as Exhibit 1 is a true and correct copy of the Expert Merits
7 Report of Dr. Nicholas Economides, dated January 12, 2024.

8 3. Attached hereto as Exhibit 2 is a true and correct copy of the Expert Merits
9 Rebuttal Report of Dr. Nicholas Economides, dated February 9, 2024.

10 4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the transcript
11 from Nicholas Economides's class certification deposition held on September 14, 2023.

12 5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of the transcript
13 from Nicholas Economides's merits deposition held on March 15, 2024.

14 6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the transcript
15 from Joseph Farrell's merits deposition held on March 15, 2024.

16 7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts of the transcript
17 from Maximilian Klein's deposition held on May 31, 2023.

18 8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of the transcript
19 from Sarah Grabert's deposition held on April 25, 2023.

20 9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of the transcript
21 from Rachel Banks Kupcho's deposition held on May 22, 2023.

22 10. Attached hereto as Exhibit 9 is a true and correct copy of the Declaration of Dr.
23 Nicholas Economides in Support of Consumer Plaintiffs' Motion for Class Certification Errata,
24 dated July 27, 2023.

25 11. Attached hereto as Exhibit 10 is a true and correct copy of an article by Sagee
26 Ben-Zedeff, *Introducing Study from Facebook*, Meta (June 11, 2019),
27 <https://about.fb.com/news/2019/06/study-from-facebook/>.

12. Attached hereto as Exhibit 11 is a true and correct copy of Background for Sagee Ben-Zedeff's 30(b)(6) Deposition, PX-2961.

13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts of the transcript from Mark Zuckerberg's deposition held on May 16, 2023.

14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of the transcript from David Baser's deposition held on June 14, 2023.

15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts of an article by Joseph Farrell and Nancy T. Gallini, *Second-Sourcing as a Commitment: Monopoly Incentives to Attract Competition*, The Quarterly Journal of Economics, 103(4):673-694 (November 1988).

16. Attached hereto as Exhibit 15 is a true and correct copy of an article by Nicholas Economides & Ioannis Lianos, *Giving Away Our Data for Free is a Market Failure*, Promarket (Feb. 1, 2021), <https://www.promarket.org/2021/02/01/free-data-market-failure-digital-platforms/> (last accessed April 5, 2024).

17. Attached hereto as Exhibit 16 is a true and correct copy of the webpage, *Join the Amazon Shopper Panel and Earn Monthly Rewards!*, Amazon, <https://panel.amazon.com>.

18. Attached hereto as Exhibit 17 is a true and correct copy of an article by Dante D'Orazio, *Google Screenwise Pays Opt-In Users for Expanded Web Tracking*, The Verge (Feb. 8, 2012), <https://www.theverge.com/2012/2/8/2785751/google-screenwise-panel-web-monitoring-knowledge-networks>.

19. Attached hereto as Exhibit 18 is a true and correct copy of an article, *Strategy Analytics Introduces New Wall Street Service Analyzing Mobile Companies*, BusinessWire (Sept. 11, 2018).

20. Attached hereto as Exhibit 19 is a true and correct copy of an article by Nicholas Economides, *Antitrust Issues In Network Industries* (May 2008).

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1 I declare that the foregoing is true and correct under penalty of perjury.

2 Executed on this 5th day of April, 2024, in New York, New York.

3 By: /s/ David Z. Gringer

4 David Z. Gringer

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SIGNATURE ATTESTATION

This document is being filed through the Electronic Case Filing (ECF) system by attorney Sonal N. Mehta. By her signature, Ms. Mehta attests that she has obtained concurrence in the filing of this document from each of the attorneys identified on the caption page and in the above signature block.

By: /s/ Sonal N. Mehta
Sonal N. Mehta